

Senate File 446

H-1410

1 Amend the amendment, H-1378, to Senate File 446,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 72, after line 8 by inserting:

5 <DIVISION _____

6 SEX OFFENDERS — CARE FACILITY

7 Sec. _____. NEW SECTION. 218.101 Medical and
8 personal care facility for sex offenders.

9 1. *a.* By July 1, 2014, the department of human
10 services, subject to funding, shall establish one or
11 more facilities for the treatment of sex offenders
12 classified as a tier II or tier III offender who
13 require the type of medical and personal care provided
14 by a nursing facility, residential care facility,
15 or assisted living program, and are unable to obtain
16 admission to a private facility due to the persons'
17 status as a sex offender.

18 *b.* The department may use or establish a state
19 facility or facilities for the purpose described in
20 this section, or may conduct a request for proposals
21 process to contract with private facilities or
22 programs to provide some or all of the necessary
23 services described in subsection 2 for eligible
24 persons identified in subsection 3. A request for
25 proposals shall identify the reimbursement rates and
26 the necessary training for the staff and the staffing
27 requirements for the facility or program.

28 2. The purpose of a medical and personal care
29 facility for sex offenders is to provide one or more
30 of the following:

31 *a.* To provide the type of care provided in a
32 nursing facility as described in section 135C.1,
33 subsection 13.

34 *b.* To provide the type of care provided in a
35 residential care facility as described in section
36 135C.1, subsection 17.

37 *c.* To provide the type of care provided in assisted
38 living programs as described in section 231C.2,
39 subsection 2.

40 3. A person is eligible for admission to a medical
41 and personal care facility for sex offenders if the
42 person meets all of the following requirements:

43 *a.* The person is classified as a tier II or tier
44 III sex offender pursuant to section 692A.102.

45 *b.* The person requires the type of medical
46 and personal care provided by a nursing facility,
47 residential care facility, or assisted living program.

48 *c.* The person is unable to obtain admission to a
49 private nursing facility, residential care facility, or
50 assisted living program due to the person's status as

1 a sex offender.

2 4. a. A person requesting admission to a facility
3 shall submit an application for admission to the
4 department.

5 b. A representative of the department of
6 inspections and appeals, the department of corrections,
7 or the department of public safety, an administrator
8 of a residential care facility or nursing facility
9 or the administrator's designee, or a manager of an
10 assisted living program or the manager's designee, may
11 also submit an application requesting admission to a
12 facility on behalf of a person with the permission of
13 the person or the person's guardian.

14 c. The application shall include a statement
15 concerning the actions the person requesting admission
16 to a facility has taken, or the steps taken on the
17 person's behalf, to obtain admission to a private
18 nursing facility, residential care facility, or
19 assisted living program.

20 5. Upon application by or on behalf of a person
21 meeting the eligibility requirements, the department
22 shall admit the resident or tenant to a medical and
23 personal care facility for sex offenders unless an
24 alternative, adequate placement for the person is
25 arranged.

26 6. Upon admission to a state-operated medical and
27 personal care facility, the department shall assess a
28 resident or tenant to identify payment options. The
29 payor of last resort for the facility is the medical
30 assistance program established pursuant to chapter
31 249A.

32 7. A resident or tenant may be discharged from
33 a state-operated facility if the person is no longer
34 required to register as a tier II or tier III sex
35 offender, if the department determines the person
36 no longer requires the type of medical and personal
37 care provided by a nursing facility, residential
38 care facility, or assisted living program, or if an
39 alternative, adequate placement is arranged.

40 8. For purposes of this section, "*adequate*
41 *placement*" means a placement that will provide the
42 level of care necessary for an eligible person
43 including the level of care provided by a nursing
44 facility, residential care facility, or assisted living
45 program.

46 9. A state-operated facility offering the type
47 of medical and personal care provided by a nursing
48 facility shall meet the requirements for Medicare
49 certification. A facility operated by the state shall
50 not be required to be licensed or certified under

1 chapter 135C or 231C.
2 10. The department shall establish by rule all of
3 the following requirements for a medical and personal
4 care facility for sex offenders:
5 a. The training requirements for staff at a
6 facility.
7 b. The staffing plans for a facility.
8 c. The requirements of a safety plan for residents
9 or tenants of a facility. The rules shall include but
10 are not limited to all of the following:
11 (1) A plan for the safety of residents, tenants,
12 and staff of a facility.
13 (2) A plan for the safety of visitors to a
14 facility.
15 (3) The responsibilities of employees of a facility
16 in implementing a safety plan.
17 d. The discharge policy and requirements of a
18 state-operated facility.
19 e. The security policy and the level of security
20 that is adequate for a facility.
21 11. The department shall adopt rules to administer
22 this section.>
23 2. By renumbering as necessary.

H. MILLER of Webster